

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

HELBERTH S. QUIMBAYO,

Plaintiff,

v.

SWIFT TRANSPORTATION CO.  
OF ARIZONA, LLC and TYRONE B.  
HULL,

Defendants.

CIVIL ACTION  
FILE NO.

Gwinnett County State Court  
Case No.: 22-C-03864-S5

**NOTICE OF REMOVAL**

COME NOW, Defendants SWIFT TRANSPORTATION CO. OF ARIZONA, LLC (“Defendant Swift”) and TYRONE B. HULL (“Defendant Hull”) (collectively “Defendants”), by and through the undersigned counsel, without waiving any defenses to personal jurisdiction, venue, process, or service of process, and, pursuant to 28 U.S.C. § 1441(a) and (b), hereby remove to this Court the State Court action described below, respectfully showing the Court as follows:

1.

A civil action was filed by the above-named Plaintiff HELBERTH S. QUIMBAYO (“Plaintiff”) in the State Court of Gwinnett County, State of Georgia, naming as the Defendants SWIFT TRANSPORTATION CO. OF ARIZONA, LLC

and TYRONE B. HULL, being Civil Action File No. 22-C-03864-S5. The Summons and Complaint and all other pleadings in said civil action are attached hereto as **Exhibit “A”**.

2.

At the time of the filing of the Complaint, Plaintiff was a citizen and resident of the State of Georgia.

3.

At the time of the filing of the Complaint, Defendant Hull was a resident of the State of North Carolina residing at 2841 Bellhaven Circle, Charlotte, North Carolina 28214. Defendant Hull was served with the Complaint on July 20, 2022.

4.

At the time of filing of the Complaint, Defendant Swift was, and currently is, a foreign limited liability company organized under the laws of the State of Delaware with its principal place of business located at 2200 S. 75<sup>th</sup> Avenue, Phoenix, Arizona 85043. Defendant Swift was served with the Complaint on July 18, 2022.

5.

At the time of filing of the Complaint, the sole member of Defendant Swift was, and currently is, Knight-Swift Transportation Holdings, Inc., which is a

publicly traded corporation organized under the laws of the State of Delaware, with a principal place of business located at 2200 S. 75<sup>th</sup> Ave., Phoenix, Arizona 85043.

6.

Plaintiff seeks judgment against Defendants for sums in excess of \$75,000.00, exclusive of interest and costs.

7.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1446(a) and (b) and, in accordance with 28 U.S.C. § 1332(a), there being diversity of citizenship between Plaintiff and all Defendants, and the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

8.

Now, within thirty (30) days after receipt by Defendants of a copy of the Summons and Complaint filed in the State Court of Gwinnett County, State of Georgia, notice is hereby given in accordance with 28 U.S.C. § 1446 and pursuant to Rule 11, Federal Rules of Civil Procedure, of the removal of said action to this Court.

Respectfully submitted, this 12<sup>th</sup> day of August, 2022.

MCMICKLE, KUREY & BRANCH, LLP

By: /s/ Raymond J. Kurey

RAYMOND J. KUREY

Georgia Bar No. 430472

SCOTT W. ZOTTNECK

Georgia Bar No. 700008

For the Firm

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### **CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court in Local Rule 5.1C. This pleading has been prepared in Times New Roman, 14 point font.

This 12<sup>th</sup> day of August, 2022.

By: /s/ Raymond J. Kurey

RAYMOND J. KUREY

For the Firm

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Kendrick K. McWilliams, Sr.  
Hagen Rosskopf, LLC  
119 North McDonough Street  
Decatur, GA 30030  
*Attorney for Plaintiff*

This 12<sup>th</sup> day of August, 2022.

By: /s/ Raymond J. Kurey  
RAYMOND J. KUREY  
For the Firm

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